

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Wells Fargo Bank, N.A.

v.

Bouchard Transportation Co. Inc., *in personam*:  
M/V EVENING STAR, her engines, tackle, furniture,  
apparel, appurtenances, etc., *in rem*;  
BARGE B NO. 250, her engines, tackle, furniture,  
apparel, appurtenances, etc., *in rem*,

Case No.: 20-4685-LTS

Defendants.

-----X

McAllister Towing of Connecticut, LLC  
McAllister Towing of New York, LLC  
McAllister Towing of Philadelphia, Inc.  
Portland Tugboat LLC  
McAllister Towing of Narragansett Bay, LLC  
d/b/a Providence Steamboat Company

Intervening Plaintiffs,

v.

Bouchard Transportation Co. Inc., *in personam*:  
M/V EVENING STAR, her engines, tackle, furniture,  
apparel, appurtenances, etc., *in rem*;  
BARGE B NO. 250, her engines, tackle, furniture,  
apparel, appurtenances, etc., *in rem*,

Defendants.

-----X

**ORDER GRANTING INTERVENING PLAINTIFFS'  
UNOPPOSED/ *EX PARTE* MOTION TO INTERVENE  
PURSUANT TO FED. R. CIV. P. 24(a)(2), FOR ISSUE  
OF WARRANT OF ARREST OF TUG EVENING STAR  
AND BARGE B. NO. 250, AND FOR  
ALTERNATIVE SERVICE OF ARREST WARRANTS**

Upon the motion of intervening Plaintiffs McAllister Towing of Connecticut, LLC,  
McAllister Towing of New York, LLC, McAllister Towing of Philadelphia, Inc., Portland

Tugboat LLC and McAllister Towing of Narragansett Bay, LLC d/b/a Providence Steamboat Company (collectively, “Intervening Plaintiffs”) for this Court to (1) order their intervention as of right under Fed. R. Civ. P. 24(a)(2), providing for filing of their accompanying Verified Intervening Complaint; (2) issue a warrant of arrest of the TUG EVENING STAR, *in rem*, and of the BARGE B. No. 250, *in rem* (“Vessels”) pursuant to Federal Supplemental Admiralty and Maritime Rule C; and (3) order alternative service due both to the U.S. Marshal’s unavailability and because, of the Vessel has been, or soon will be arrested and is presently, or soon will be in the hands of National Maritime Services, Inc. (“NMS”) as Substitute Custodian, and any opposition or briefing or argument hereto, this Court hereby GRANTS the motion, and ORDERS as follows:

1. Intervening Plaintiffs shall have leave to intervene in this action;
2. Their Intervening Complaint, filed with their motion, shall be docketed in this action;
3. The Clerk shall issue the Warrant of Arrest for the TUG EVENING STAR, *in rem*, and BARGE B. No. 250, *in rem*; and
4. Considering that the Vessels are currently arrested and NMS is currently serving as the substitute custodian, the Warrants for Arrest are effectively served on the Vessels when issued by the Clerk and posted on the Court’s docket (and thereby served by NEF to counsel of each party in this action).
5. The Vessels may be released from seizure without further Order of this Court if the United States Marshals Service receives written authorization from the attorney who requested the seizure, and that such attorney advises that s/he has conferred with all counsel representing all of the parties to the litigation and they consent to the release, if the attorney files

the consent and the Court has not entered an Order to the contrary.

**SO ORDERED.**

Dated: New York, New York.

\_\_\_\_\_, 2020.

---

UNITED STATES DISTRICT / MAGISTRATE JUDGE